

E-FILED on 9/10/07

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HYNIX SEMICONDUCTOR INC., et al.,  Plaintiffs,  v.  RAMBUS INC.,  Defendant.	No. C 00-20905 RMW  ORDER CLARIFYING AUGUST 30, 2007 CMC ORDER
RAMBUS INC.,  Plaintiff,  v.  HYNIX SEMICONDUCTOR INC., et al.,  Defendants.	No. C 05-00334 RMW
RAMBUS INC.,  Plaintiff,  v.  SAMSUNG ELECTRONICS CO., LTD., et al.,  Defendants.	No. C-05-02298 RMW

1	RAMBUS INC.,	No. C-06-00244 RMW
2	Plaintiff,	
3	v.	
4	MICRON TECHNOLOGY, INC., et al.,	
5	Defendants.	

6

7 On August 30, 2007 this court issued an order setting limits on the number of live witnesses

8 that each party may call in their cases-in-chief at the consolidated antitrust trial set for January 22,

9 2008 ("August 30, 2007 Order"). The parties disagree on certain of the limits set forth in that order

10 and seek clarification from the court. The court hereby clarifies:

- 11 1. The six witnesses that each side (Rambus on one side and Hynix, Samsung, Micron
- 12 and Nanya (collectively the "manufacturers") on the other) may call in their cases-in-
- 13 chief are: Paul Anderson, Joel Karp, Neil Steinberg, Geoff Tate, Lester Vincent and
- 14 Farhad Tabrizi. In addition, the manufacturers may call Richard Crisp. The court
- 15 recognizes that its August 30, 2007 order listed Anthony Diepenbrock rather than
- 16 Paul Anderson as a witness that may be called by each side. However, Rambus has
- 17 since clarified, and the manufacturers do not dispute, that while Anthony
- 18 Diepenbrock was listed as a common witness in an initial exchange of witness lists,
- 19 he was not listed as a common witness in the revised witness lists exchanged more
- 20 recently on August 28, 2007.
- 21 2. In the August 30, 2007 Order, the court ordered that the manufacturers as a group
- 22 may select 11 common witnesses out of the 12 proposed common witnesses. In
- 23 addition, each manufacturer may have up to 3 unique witnesses selected from their
- 24 proposed lists.<sup>1</sup> These limits were intended to cover all live witnesses, whether or not
- 25 for the jury phase of the trial. However, on September 5, 2007, the manufacturers
- 26 submitted a witness list in which they included two witnesses—Paul Anderson and
- 27 Robert Kramer—beyond the limits set by the court. Although the court's August 30,


28

---

<sup>1</sup> It appears that Samsung selected only 2 unique witnesses.

1 2007 Order is without prejudice to an application for substitution or addition of  
2 witnesses upon good cause shown on application to the court, no such application  
3 was made by the manufacturers. Therefore, the manufacturers are to revise their  
4 witness list in accordance with the clarifications set forth in this order and resubmit a  
5 witness list no later than Monday, September 10, 2007.

6  
7 DATED: 9/7/07

  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Rambus:**

Gregory P. Stone	gregory.stone@mto.com
Peter A. Detre	detrepa@mto.com
Carolyn Hoecker Luedtke	luedtkech@mto.com
Burton Alexander Gross	grossba@mto.com
Steven McCall Perry	steven.perry@mto.com
Miriam Kim	miriam.kim@mto.com
Craig N. Tolliver	ctolliver@mckoolsmith.com
Pierre J. Hubert	phubert@mckoolsmith.com
Brian K. Erickson	berickson@dbllp.com

7 **Counsel for Hynix:**

Kenneth L. Nissly	kennissly@thelenreid.com
Geoffrey H. Yost	gyost@thelenreid.com
Susan Gregory van Keulen	svankeulen@thelenreid.com
Theodore G. Brown, III	tgbrown@townsend.com
Daniel J. Furniss	djfurniss@townsend.com
Jordan Trent Jones	jtjones@townsend.com
Patrick Lynch	plynch@omm.com
Allen Ruby	aruby@rubyschofield.com

12 **Counsel for Samsung:**

Matthew D. Powers	matthew.powers@weil.com
David J. Healey	david.healey@weil.com
Edward R. Reines	edward.reines@weil.com

15 **Counsel for Micron:**

Harold Avrum Barza	halbarza@quinnemanuel.com
Robert Jason Becher	robertbecher@quinnemanuel.com
John D Beynon	john.beynon@weil.com
Jared Bobrow	jared.bobrow@weil.com
Leeron Kalay	leeron.kalay@weil.com

18 **Counsel for Nanya:**

Jason Sheffield Angell	jangell@orrick.com
Vickie L. Feeman	vfeeman@orrick.com
Mark Shean	mshean@orrick.com
Kai Tseng	hlee@orrick.com

22 Counsel are responsible for distributing copies of this document to co-counsel that have not  
 23 registered for e-filing under the court's CM/ECF program.

24 **Dated:** 9/10/07

SPT  
**Chambers of Judge Whyte**